

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02845-TJK**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 12/04/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Austin Ridgely Evers**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
ATTORNEY TO BE NOTICED

Glenn S. Kerner
GOODWIN PROCTER, LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 459-7460
Fax: (212) 355-3333
Email: Gkerner@goodwinlaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

John M. Ilardo
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1523
Email: JIlardo@goodwinlaw.com
ATTORNEY TO BE NOTICED

Stephen L. Taeusch
GOODWIN PROCTER LLP
3 Embarcadero Center
San Francisco, CA 94111
(415) 733-6180
Email: STaeusch@goodwinlaw.com
ATTORNEY TO BE NOTICED

Joseph Francis Yenouskas
GOODWIN PROCTER, LLP
901 New York Avenue, NW
Suite 900, 9th Floor East
Washington, DC 20001
(202) 346-4000
Fax: (202) 346-4444
Email: jyenouskas@goodwinlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Daniel Patrick Schaefer**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2531
Fax: (202) 252-2599
Email: Daniel.Schaefer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**ADMINISTRATION FOR
CHILDREN AND FAMILIES**

represented by **Daniel Patrick Schaefer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF THE INSPECTOR
GENERAL OF THE U.S.
DEPARTMENT OF HEALTH &
HUMAN SERVICES**

represented by **Daniel Patrick Schaefer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/04/2018	<u>1</u>	COMPLAINT against ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5822666) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT. (Yenouskas, Joseph) Modified event title on 12/17/2018 (znmw). (Entered: 12/04/2018)
12/04/2018		Case Assigned to Judge Timothy J. Kelly. (zef,) (Entered: 12/04/2018)
12/04/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- John M. Ilardo, :Firm- Goodwin Procter LLP, :Address- 100 Northern Avenue, Boston, MA 02210. Phone No. - (617) 570-1523. Fax No. - (617) 523-1231 Filing fee \$ 100, receipt number 0090-5822847. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of John M. Ilardo, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Glenn S. Kerner, :Firm- Goodwin Procter LLP, :Address- 620 Eighth Avenue, New York, NY 10018. Phone No. - (212)459-7460. Fax No. - (212)355-3333 Filing fee \$ 100, receipt number 0090-5822891. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Glenn S. Kerner, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Stephen L. Taesuch, :Firm- Goodwin Procter LLP, :Address- 3 Embarcadero Center, San Francisco, CA 94111. Phone No. - (415) 733-6180. Fax No. - (415) 677-9041 Filing fee \$ 100, receipt number 0090-5822959. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Stephen L. Taesuch, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018		SUMMONS Not Issued as to ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney, U.S. Attorney General (zmd) (Entered: 12/04/2018)

12/05/2018		MINUTE ORDER granting Plaintiff's <u>3</u> <u>4</u> <u>5</u> Motions for Leave to Appear Pro Hac Vice. Attorneys John M. Ilardo, Glenn S. Kerner, and Stephen L. Taeusch are hereby admitted pro hac vice to appear in this matter. Signed by Judge Timothy J. Kelly on 12/5/2018. (lctjk1) (Entered: 12/05/2018)
12/07/2018	<u>6</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN OVERSIGHT.(Yenouskas, Joseph) (Entered: 12/07/2018)
12/10/2018	<u>7</u>	SUMMONS (5) Issued Electronically as to ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent) (tth) (Entered: 12/10/2018)
01/02/2019	<u>8</u>	NOTICE of Appearance by Austin Ridgely Evers on behalf of AMERICAN OVERSIGHT (Evers, Austin) (Entered: 01/02/2019)
01/09/2019	<u>9</u>	MOTION to Stay <i>in Light of Lapse in Appropriations</i> by ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Schaefer, Daniel) (Entered: 01/09/2019)
01/23/2019	<u>10</u>	RESPONSE re <u>9</u> MOTION to Stay <i>in Light of Lapse in Appropriations</i> filed by AMERICAN OVERSIGHT. (Yenouskas, Joseph) (Entered: 01/23/2019)
01/23/2019		MINUTE ORDER: "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." <i>Hulley Enterprises Ltd. v. Russian Fed'n</i> , 211 F. Supp. 3d 269, 276 (D.D.C. 2016) (quoting <i>Landis v. N. Am. Co.</i> , 299 U.S. 248, 254 (1936)). Upon consideration of Defendants' <u>9</u> Motion to Stay and Plaintiff's <u>10</u> Response to Defendants' Motion, it is hereby ORDERED, for good cause shown, that Defendants' Motion to Stay is GRANTED. The case shall be stayed until further order of the Court. It is further ORDERED that the parties shall file a joint status report within seven days after funding is restored for the Department of Justice with a proposed deadline for Defendants to file a response to Plaintiff's <u>1</u> Complaint. Signed by Judge Timothy J. Kelly on 1/23/2019. (lctjk1) (Entered: 01/23/2019)
01/31/2019	<u>11</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Yenouskas, Joseph) (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER: In light of the parties' <u>11</u> Joint Status Report, it is hereby ORDERED that Defendants shall respond to Plaintiff's <u>1</u> Complaint by February 15, 2019. It is further ORDERED that, after Defendants file their response, the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by March 1, 2019. It is further ORDERED that the stay in this case is LIFTED. Signed by Judge Timothy J. Kelly on 1/31/2019. (lctjk1) (Entered: 02/01/2019)
02/15/2019	<u>12</u>	NOTICE of Appearance by Daniel Patrick Schaefer on behalf of All Defendants (Schaefer, Daniel) (Entered: 02/15/2019)
02/15/2019	<u>13</u>	ANSWER to Complaint by ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Schaefer, Daniel) (Entered: 02/15/2019)
03/01/2019	<u>14</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 03/01/2019)
03/01/2019		MINUTE ORDER: In light of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by April 30, 2019, and every sixty days thereafter. Signed by Judge Timothy J. Kelly on 3/1/2019. (lctjk1) (Entered: 03/01/2019)

03/04/2019	<u>15</u>	NOTICE of <i>Filing Proof of Service</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Yenouskas, Joseph) (Entered: 03/04/2019)
03/04/2019	16	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2018. (Answer due for ALL FEDERAL DEFENDANTS by 1/11/2019.) RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/17/2018. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ADMINISTRATION FOR CHILDREN AND FAMILIES served on 12/19/2018; OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES served on 12/17/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 12/17/2018. (See Docket Entry <u>15</u> to view document) (tth) (Entered: 03/05/2019)